

**THE CORPORATION OF THE TOWNSHIP OF
LEEDS AND THE THOUSAND ISLANDS**

BY-LAW NO. 38-01

**BEING A BY-LAW TO ESTABLISH A PROCEDURE FOR THE STOPPING UP,
CLOSING AND SALE OF UNOPENED ROAD ALLOWANCES.**

WHEREAS Section 297(1) of the Municipal Act, R.S.O. 1990, Chapter M. 45
authorizes Council to stop up, close and sell unopened road allowances it deems
surplus to its needs;

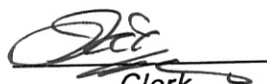
NOW THEREFORE the Council of the Corporation of the Township of Leeds and the
Thousand Islands enacts as follows:

1. That the Application for Road Closure and/or Sale attached hereto as
Schedule "A" is hereby approved.
2. That this by-law shall take full force and effect upon the final passage
thereof.

Read a first, second and third time and finally passed this 23rd.day of
April, 2001.



Reeve



Clerk



TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS

APPLICATION FOR ROAD CLOSURE AND/OR SALE

Applicant: **Name:** _____

Mailing Address: _____

Location of Owners Lands: Lot: _____

Concession: _____

Township: _____

R.P. Plan: _____

Agent: _____

Location and description of lands to be closed/conveyed (attach map and additional pages as necessary):

Abutting Land Owners: (1) _____
(Use Additional Pages
If Necessary)

(2) _____

Request for: (Check Applicable)

(1) **Closure:** _____

(2) **Sale:** _____

(3) **Other:** _____

Application Fee Enclosed (\$600.00): _____

Cost Agreement:

The applicant hereby covenants and agrees to pay the fair market value of the road allowance lands affected as determined by a real estate appraiser and approved by Council. The costs of the appraisal is the responsibility of the applicant.

The applicant hereby covenants and agrees to bear all costs related to the closure and/or sale of the above described road allowance including all related legal, surveying and administrative costs whether or not the aforesaid road closure and/or sale is finally approved and completed.

The Applicant shall deposit with the Township a sum of \$600.00 on account of such fees and disbursements. The Applicant shall upon receipt of a written demand from the Township pay to township or its nominees any amount due above and beyond the aforesaid deposit within 30 days.

All surveys and plans that may be required or necessary for the purposes of this road closure shall be the sole responsibility of the applicant and shall be undertaken and submitted to the Township prior to giving of notice of the intent to stop us, close and sell the subject road.

When the proposal has been reviewed and completed, or rejected or stopped and all accounts related thereto have been rendered, the Township shall refund to the Applicant the remainder of the deposit, if any.

Witness:

Signed: _____
(Owner or Agent)

Signed: _____
(Owner or Agent)

Date: _____

Office Use:

Date Received: _____ Fee Deposited: _____

Municipal Road Closings

References: Municipal Act

Ministry of Municipal Affairs and Housing
publication entitled "Public Road Allowances,
a procedural guideline".

The procedure for closing of a road is fairly clearly established and should be followed in detail in order to avoid challenges to the by-law later and possible embarrassment to all concerned. The following procedure is recommended:

Council Consideration:

1. Road closings are usually initiated by an abutting land owner who wishes to have the road closed for his own purposes. Opposed to this is the public's interest in the road allowance which the Municipal Act has entrusted to the municipal council.
2. The Council must determine if the road allowance is or might in the future serve a useful purpose to the public. If so, Council is under no obligation to give any consideration to such a request.
3. If Council determines that the closing of the road is in the public's interest, the Council shall determine a price at which it is to be sold and the owner of the land whose property abuts on the road allowance has the right to purchase at that price. Further, if there are more than one owner, each owner has the right to purchase the half that abuts on his land. Only if the abutting owners do not exercise their right to purchase, may the Council offer the land for sale to others (see Section 316 for more details).
- * 4. Council must pass a resolution of their intent to close and sell prior to any action being taken by the Clerk.

Clerk's Duties:

1. In the case of a Township, the Clerk must serve a notice on the Clerk of the County of their intent to stop up, and close any highway. Township's lawyer may also provide such notice but only on the instruction of the Township Council as expressed in a resolution.

Villages and Towns are not required to seek the approval of County Councils.

2. Prior to passing a by-law under Section 298(1)(c) and also (d), villages and townships are required to publish a notice of the intent of Council to pass the by-law and to post a notice in six locations in close proximity to the road for a period of one month (see Section 301). This implies that this notice must be checked periodically to confirm that it remained posted for one month.

A record must be kept by the Clerk of where the notices were posted and when they were checked.

The notice must provide a description of the road to be closed, the intent of Council, that persons who object to the by-law will be heard and details as to how and when such objection will be heard.

3. Determine if road leads to or along water. If so, the approval of the Minister of Municipal Affairs and Housing is required. However, in the case of a Township, the consent of the County is first required and then the by-law is passed and then submitted. All other municipalities must first pass the by-law and then submit it for approval.
4. Consent of County Council is obtained either by a notice in writing that the Counties BY BY-LAW have consented or 60 days have expired since the notice was given and no objection has been received. This second criteria is the one which provides the Township with the best protection.
5. A meeting to hear any complaints should be designated and at such a meeting the Clerk should announce the purpose of the meeting and if anyone wishes to be heard. If no one objected, this information should be minuted. If someone does object, his objection must be heard but Council may still proceed with the closing.

This is a good time to check if all actions required have been completed:

- a. Notice of Intent was sent to Counties (if required).
- b. Notice of Intent was published.
- c. Notices of Intent were posted, checked and recorded.
- d. A meeting to hear complaints was held.
- e. At d., all complaints were heard.
- f. The consent of the Counties was obtained (if necessary) or 60 days has elapsed.
- g. That the closing will not deprive any land owner of access or if it does, his release or consent to the closing has to be obtained.

6. It would now be in order for Council to pass the by-law.
7. The by-law must be registered before it can take effect. A certified copy (two if you want a registered copy for your own files) should be deposited at the local Registry Office without delay, but there does not appear to be any time requirement as to when registration can occur.

A Few Additional Notes:

1. Approval of Minister is also required for the altering or closing of any subdivision road if the subdivision plan was registered after 27th March, 1946.
2. There are special requirements in the Registry Act for handling very old plans of subdivision or village compiled plans.
3. Road allowances on Township boundaries are under joint jurisdiction of both Councils (Section 264). Therefore, any action affecting any such road must be taken by both Councils.
4. Section 300 of Municipal Act is very interesting with regards to possession of unopened road allowances.
5. No road can be laid out without the consent of Council (Section 306).
6. Section 280 re: digging on road, is brought to your attention.

Typical costs Associated w/ road closing

- Survey of allowance
- Newspaper publishing of Notice of Closure - \$250 - 400
- Title search AND registration of By-law & deeds - 75 - 200
- postage - circulation to Agencies - \$50
- Administration - 0 - 200